United States DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/938,695	08/24/2001	Donald F. Lyons	DW0045 USNA	2547	_
24199 7590 10/07/2003			EXAMINER		$\Box$ /
DUPONT DO	W ELASTOMERS,	EGWIM, KELECHI CHIDI		<b>-</b> 6	
PATENT RECORDS CENTER 4417 LANCASTER PIKE			ART UNIT	PAPER NUMBER	]
BARLEY MIL	L PLAZA 25	1713	"		
WILMINGTON, DE 19805			DATE MAILED: 10/07/2003		

Please find below and/or attached an Office communication concerning this application or proceeding.

7%			CA(a			
		Application No.	Applicant(s)			
		09/938,695	LYONS ET AL.			
Office Action Summary		Examiner	Art Unit			
		Helen L. Pezzuto	1713			
	The MAILING DATE of this communication appears on the cover sheet with the correspondence address					
Period fo		VIO OFT TO EVOIDE - MONT				
THE I - Exter after - If the - If NC - Failu - Any r	ORTENED STATUTORY PERIOD FOR REPL MAILING DATE OF THIS COMMUNICATION. Insions of time may be available under the provisions of 37 CFR 1. SIX (6) MONTHS from the mailing date of this communication. Period for reply specified above is less than thirty (30) days, a represent of the reply is specified above, the maximum statutory period reto reply within the set or extended period for reply will, by statutely received by the Office later than three months after the mailing patent term adjustment. See 37 CFR 1.704(b).	.136(a). In no event, however, may a reply be oly within the statutory minimum of thirty (30) of will apply and will expire SIX (6) MONTHS from the cause the application to become ABANDO	timely filed flays will be considered timely. flays make mailing date of this communication. NED (35 U.S.C. § 133).			
1)	Responsive to communication(s) filed on	·	·			
2a) <u></u> □	This action is <b>FINAL</b> . 2b)⊠ T	his action is non-final.				
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims						
·	Claim(s) 1 and 3-21 is/are pending in the app	olication.				
•	4a) Of the above claim(s) is/are withdra					
	Claim(s) is/are allowed.					
·	Claim(s) 1, 3-21 is/are rejected.					
·	Claim(s) is/are objected to.					
	Claim(s) are subject to restriction and/	or election requirement.				
•	on Papers	·				
9)[	The specification is objected to by the Examin	er.				
10)[	The drawing(s) filed on is/are: a)☐ acce	epted or b) objected to by the Ex	kaminer.			
	Applicant may not request that any objection to the	he drawing(s) be held in abeyance.	See 37 CFR 1.85(a).			
11) ☐ The proposed drawing correction filed on is: a) ☐ approved b) ☐ disapproved by the Examiner.						
If approved, corrected drawings are required in reply to this Office action.						
12) 🔲 -	The oath or declaration is objected to by the E	xaminer.				
Priority u	ınder 35 U.S.C. §§ 119 and 120	at market				
13)[	Acknowledgment is made of a claim for foreig	n priority under 35 U.S.C. § 119	(a)-(d) or (f).			
a)[	☐ All b)☐ Some * c)☐ None of:					
	1. Certified copies of the priority documen	its have been received.				
	2. Certified copies of the priority documen	its have been received in Applica	ation No			
* 0	3. Copies of the certified copies of the prid application from the International Base the attached detailed Office action for a lis	ureau (PCT Rule 17.2(a)).	_			
		· ·				
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.						
15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.						
Attachmen	t(s)					
2) 🔲 Notic	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notice of Informa	ary (PTO-413) Paper No(s) al Patent Application (PTO-152)			

Application/Control Number: 09/938,695 Page 2

Art Unit: 1713

## DETAILED ACTION

Applicant's amendment to the title of the invention, claims 1, 3-4, and the cancellation of claim 2 filed in paper no. 5 on 6/23/03 are herein acknowledged. Currently, claims 1, 3-21 are pending in this application.

Applicant's amendment and remarks filed on 6/23/03 have been fully considered. Accordingly, previous 102 rejections of record are herein withdrawn. Applicant's arguments are deemed moot in light of the following new ground of rejection.

## Claim Rejections - 35 USC § 103

- 1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 2. Claims 1, 3-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combined disclosures of WO 99/55746 and Khan (US-197).

As stated in the previous office action, WO-746 discloses the instant process with the exception of step (D). U.S. 4,524,197 also discloses the presently claimed

Art Unit: 1713

process with the exception of the surfactant species in step (A). Because of the close structural similarity between the fluoro surfactants used in the analogous prior art processes, there is a plausible basis to assume they would function in an equivalent manner due to their homologous structural relationship. Although the instant isolation step is not expressively exemplified in WO-746, The examiner is of the position that such practice using conventional coaqulating agents is well known as shown in US-197 using the presently claimed species (col. 4, lines 45-68). Accordingly, it would have been obvious to one having ordinary skilled in the art to isolate the fluoroelastomer formed in the process of WO-746 with the specific coagulating agents taught in US-197 with the reasonable expectation of success. In light of the analogous processes taught in both references and that of presently claimed, absent a showing unusual or unexpected results.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helen L. Pezzūtō whose telephone number is (703) 308-2393. The examiner can normally be reached on 8 AM to 4 PM, Monday thru Friday.

Application/Control Number: 09/938,695 Page 4

Art Unit: 1713

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (703) 308-2450. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703/ 308-0661/

Helen L. Pezzut¢

Primary Examinet

Att Unit 1713

hlp